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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/696,269	10/24/2000	Jack A. Mobley	23060	4377

7590

05/13/2004

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EXAMINER

BATAILLE, PIERRE MICHE

ART UNIT

PAPER NUMBER

2186

DATE MAILED: 05/13/2004

13

Please find below and/or attached an Office communication concerning this application or proceeding.

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**Advisory Action**

Application No.

09/696,269

Applicant(s)

MOBLEY ET AL

Examiner

Pierre-Michel Bataille

Art Unit

2186

**—The MAILING DATE of this communication appears on the cover sheet with the correspondence address —**

THE REPLY FILED 23 March 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

**PERIOD FOR REPLY [check either a) or b)]**

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. **ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).**

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
  - (b) ☐ they raise the issue of new matter (see Note below);
  - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_.

3. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
4. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: none.Claim(s) objected to: 3,5,6,13,16,18,19 and 21-23.Claim(s) rejected: 1,2,4,12,15,17,20 and 24.Claim(s) withdrawn from consideration: 7-11 and 14.

8. ☐ The drawing correction filed on \_\_\_\_\_ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_.
10. ☐ Other: \_\_\_\_\_



Pierre-Michel Bataille  
Primary Examiner  
Art Unit: 2186

**PIERRE BATAILLE**  
**PRIMARY EXAMINER** Paper No. 13

Continuation of 5. does NOT place the application in condition for allowance because: The argued features are taught by the combined teaching of Lee (US 5,912,782) and Au (US 5,729,718). The argument was centered on "calculating radial positional offset which is a distance between presently active head and associated target head". Au teaches a radial position offset value between the presently active head and the associated target head, (i.e.  $\Delta$  head), which is the absolute value of the difference between the destination head and the source head [Col. 4, lines 30-35] for the control circuitry 24 to switch, for a seek operation, from using the head associated with the first disk surface 52 to using the head associated with the second disk surface 62 (Col. 3, Lines 59-62). Although current RADIAL POSITIONAL would be inherent in Au's system, Lee completes the claimed process by enabling accurate positioning of an actuator during "track seeking" wherein the heads are moved from a current radial position on the disk to a desired or "target" radial position [Col. 3, Lines 31-36], with the disks supported by one or more transducers and with an estimator to calculate a relative distance, from the difference between a target radial position, and the estimated radial position [Col. 7, Lines 48-54].



Continuation of Substance of Interview including description of the general nature of what was discussed: Rejection of the claims. Argument was centered on "calculating radial positional offset which is a distance between presently active head and associated target head". According to the examiner, ehe argued features are taught by the combined teaching of Lee (US 5,912,782) and Au (US 5,729,718), as outlined in the attached Advisory Action...